IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 26173 of 2006

DATED: 27.07.2006

Between:

Hindustan Cables Casual Workers Union and others
Petitioners

And

State of Andhra Pradesh,
Rep by its Principal Secretary to Government
Labour, Employment, Training & Factories Dept,
A.P.Secretariat, Hyderabad and others Respondents

THE HON'BLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO. 26173 of 2005

ORAL ORDER:

The present writ petition is filed questioning the proceedings dated 14.9.2005 of the first respondent-Government declining to make reference to Industrial Adjudicator/Tribunal.

The petitioner union vide its representation dated 18.11.2004 requested the first respondent to refer the dispute with regard to regularization of services of 111 workers for adjudication. The first respondent vide its letter dated 14.9.2005 declined to refer the dispute for adjudication on the ground of pendency of writ petitions filed by the workers before this Court. The order reads as under:

> "I am to inform you that the dispute raised vide reference 1st cited does not merit reference for adjudication as the 111 workers approached Hon'ble High Court, A.P., Hyderabad in Writ Petition No. 21317 of 1999 seeking for absorption of Contract labour along with other benefits and regularization of their services and it is not yet decided by the Court. Meanwhile, the Hindustan Cables Casual Workers Union again raised the same issue before Conciliation Machinery. I am to further inform you that as the matter is subjudice, it cannot be referred to the Labour Court again."

Learned counsel for petitioner submitted that the W.P. No. 21317

of 1999 and W.P. No. 21111 of 2000 filed by certain employees seeking regularization were dismissed as withdrawn by order dated 5.1.2006.

It is further submitted that in view of withdrawal of the writ petitions, the first respondent may be directed to consider the representation of the petitioner union dated 18.11.2004 and to refer the matter for adjudication to the concerned Labour Court under Section 10 (1) of the Industrial Disputes Act. A memo dated 21.3.2006 enclosing Xerox copies of orders dated 5.1.2006 in W.P. No. 21317 of 1999 and W.P.No. 21111 of 2000 was filed before this Court.

In view of the pendency of W.P. No. 21317 of 1999 and W.P. No. 21111 of 2000, the first respondent by order dated 14.9.2005, declined to refer the matter for adjudication under Section 10(1) of the Industrial Disputes Act. Now in view of withdrawal of the writ petitions, the first respondent can consider the representation of the petitioner union dated 18.11.2004 and take a decision to refer the matter for adjudication to the Labour Court.

In the circumstances, the writ petition is disposed of, directing the first respondent to consider the representation of the petitioner dated 18.11.2004 and take appropriate decision in the matter of referring the dispute to Labour Court under Section 10 (1) of the Industrial Disputes Act, for adjudication. No costs.

Registry is directed to annex order copies in W.P.No. 21317 of 1999 and W.P. No.21111 of 2000 dated 5.1.2006 to this order.

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N.V.RAMANA,J

DATE:27.07.2006

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